JUSTICE UPDATE
Saskatchewan Justice
2011

The Adult Guardianship and Co-decision-making Amendment Act, 2011

(Bill 165) Chapter 1

This Act amends The Adult Guardianship and Co-decision-making Act to:

- provide for the recognition of foreign guardianship orders;
- revise the accounting provisions to require that annual accountings be filed within a specific time frame, that a final accounting be filed when the adult dies or the property decision-maker ceases to act, and that an inventory be filed within three months of an order appointing a property decision-maker;
- allow the court to require a bond from a temporary property guardian;
- specify that a decision-maker's fee must be either established by the court or comply with a fee schedule set out in the regulations;
- allow for an alternate decision-maker to be appointed by the court, who can act when the first decision-maker is unable to act;
- specifically allow a property decision-maker to spend money on the maintenance and education of dependants of the adult; and
- address gifts that can be made by a property decision-maker.

This Act came into force on October 1, 2011.

The Automobile Accident Insurance Amendment Act, 2011

(Bill 173) Chapter 3

This Act amends The Automobile Accident Insurance Act to:

- remove all injury benefits for an insured occupying a vehicle involved in an accident who is convicted of theft of the vehicle or possession of a stolen vehicle, including benefits for spouses and dependants seeking to claim through the insured;
- prohibit the person convicted of theft of the vehicle or possession of the stolen vehicle, and his or her spouse and dependants, from suing another party under tort coverage;
- allow the insurer to withhold benefit payments until the disposition of any criminal charge.

This Act came into force on May 18, 2011.

The Corporation Capital Tax Amendment Act, 2011

(Bill 170) Chapter 4

This Act introduces a new bracketed tax structure for small financial institutions in Saskatchewan.

This Act came into force on assent but is retroactive in effect to November 1, 2009.

***The Election Amendment Act, 2011**

(Bill 161) Chapter 5

This Act amends The Election Act, 1996, to provide that every voter is required to produce identification (ID) adequate to prove identity and ordinary residency in order to vote. If enumerated, voters may show the election official government issued photo ID that establishes identity and ordinary residency. If not enumerated, or if they do not have photo ID that establishes identity and ordinary residency, they must show two pieces of prescribed ID to establish identity and ordinary residency.

The Act provides regulation-making authority to set out the acceptable ID and secondary forms of information to establish identity and ordinary residence. Those who fail to meet the ID requirements will not be permitted to vote. However, the Act still permits a voter to have another voter vouch for them at the poll if they lack the requisite ID. The Act permits only one voter to be vouched for by any one individual.

This Act came into force on August 15, 2011.

***The Income Tax Amendment Act, 2011**

(Bill 149) Chapter 6

This Act adds a tax rebate for qualifying corporations that are engaged in processing minerals imported into Saskatchewan from elsewhere in Canada.

This Act came into force on assent but is retroactive in effect to January 1, 2011.

The Income Tax Amendment Act, 2011 (No. 2)

(Bill 171) Chapter 7

This Act:

- reduces the small business income tax rate to 2% effective July 1, 2011;
- increases the basic and spousal tax credits by $1,000 effective January 1, 2011;
- increases the child tax credit to $5,514 per child, effective January 1, 2011;
- indexes these tax credit enhancements for subsequent years;
- reduces the dividend tax credit rate for small business dividends to 5% for 2011 and to 4% for 2012; and
- makes minor housekeeping amendments.

This Act came into force on assent, but all of the provisions are retroactive in effect to specific dates.

***The Litter Control Amendment Act, 2011**

(Bill 144) Chapter 8

This Act:

- updates the definition of "purchaser" to clarify that the purchaser of beverage containers, rather than the consumer of the contents of the containers, is responsible for paying associated environmental handling charges;
- establishes specific environmental handling charges for various container types.

This Act came into force on assent but is retroactive in effect to April 1, 1998.

***The Local Government Election Amendment Act, 2011**

(Bill 162) Chapter 9

This Act makes a number of amendments to The Local Government Election Act, including:

- changing the term of office for members of urban municipal councils, northern municipal councils and school boards from three years to four years, beginning in 2012;
- changing the two-year staggered terms for members of rural municipal councils to four-year staggered terms; this includes a transition period for councilors in even numbered divisions elected in 2011 who will serve three year terms ending in 2014 and four year terms thereafter;
- synchronizing urban municipal elections and rural municipal elections for reeves and councilors of odd numbered divisions beginning in 2012;
- requiring voters to provide proof of identity and residence prior to voting;
- increasing the nomination period from four weeks to five weeks, to allow two weeks, rather than one week, for a second call for nominations;
- changing the residency requirement for rural voter eligibility from six months to three months;
- requiring the appointment of a poll clerk for rural municipal elections and requiring the poll clerk as well as the deputy returning officer to be present for the counting of ballots;
- providing greater flexibility to hold special and advance polls and for alternative methods of voting such as mail in ballots;
- clarifying that the constraint on canvassing within 100 meters of a polling place is applicable only when polls are open; and • revising a number of the timelines that relate to nominations, revision of voters' lists and recounts.

The majority of this Act came into force on May 18, 2011. The provisions regarding voter identification will come into force on proclamation.

***The Natural Resources Amendment Act, 2011**

(Bill 155) Chapter 10

This Act amends The Natural Resources Act to recast the Fish and Wildlife Development Fund steering committee as the Fish and Wildlife Development Advisory Council. The Council will advise the minister on the allocations and expenditures of the fund for fish and wildlife programming.

This Act came into force on May 18, 2011.

***The Oil and Gas Conservation Amendment Act, 2011**

(Bill 157) Chapter 11

This Bill amends The Oil and Gas Conservation Act to:

- enable the ministry to electronically receive, disseminate and approve industry forms, reports, plans, surveys, maps, applications, records, statistics and other information;
- expand authority to licence, approve and permit drilling and operation of wells and other facilities;
- streamline the requirements for issuance of licences, approvals and permits;

- expand the scope of the Orphan Well and Facility Liability Management Program to include initiatives such as mid-stream, non-producer and oil field waste management facilities;
- update the compliance assurance and enforcement provisions, including authorizing the minister to impose administrative penalties;
- modernize the offence provisions and increase the maximum fine to $500,000 for each day that the offence continues;
- clarify the powers to regulate wells for non-renewable resource management purposes and the management of wastes such as carbon dioxide;
- expand and update the regulation-making powers; and
- establish the Petroleum Registry.

This Act will come into force on proclamation.

The Police Amendment Act, 2011

(Bill 164) Chapter 12

Section 4 amended on Third Reading

This amending Act includes the following changes to The Police Act, 1990:

- mediation may be used as a dispute resolution mechanism in the disciplinary process for members and chiefs;
- the minister will pay the remuneration and expenses of a mediator appointed within the disciplinary process;
- the minister will pay the remuneration and expenses of a hearing officer;
- a municipality with RCMP policing services that reaches the maximum population for RCMP policing may, with the approval of the Lieutenant Governor in Council, continue to receive RCMP policing services;
- the Public Complaints Commission will be responsible for the receipt and transmittal of public complaints and the provision of updates on the public complaints process to complainants;
- all hearings are to begin within 60 days after the designation of the hearing officer and are to be completed without undue delay;
- following a hearing, the decision of a hearing officer is to be issued without undue delay;
- authorization is provided for employment, rather than conduct, related disciplinary matters to be heard in camera where appropriate;
- clarification that disciplining a member for unsuitability or incompetence can only occur after remedial measures with respect to that member, if it is reasonable in the circumstances to make remedial efforts;
- a retired member may serve as an investigation observer;
- the minister will pay the costs of the investigation observer; and
- authorization is provided for the Saskatchewan Police Commission to establish municipal police board training requirements.

This Act came into force on June 15, 2011.

***The Provincial Court Amendment Act, 2011**

(Bill 153) Chapter 13

This Bill amends The Provincial Court Act, 1998 to:

- repeal section 8.1, that established the Civil Division of the Provincial Court;
- allow provincial court judges or retired judges from other provinces to be appointed as temporary judges in Saskatchewan;
- reduce the waiting period from one year to three months for the judges' disability allowance;
- require the hearing committee of the Judicial Council to make their report public following an investigation into a complaint concerning the conduct or capacity of a judge with certain exceptions allowed; and
- provide that the Law Society representative on the Judicial Council is the President of the Law Society or a bencher or former bencher who is appointed by the benchers (rather than designated by the president).

This Act came into force on July 1, 2011.

The Provincial Court Consequential Amendment Act, 2011/Loi de 2011 portant modification corrélative à la loi intitulée The Provincial Court Amendment Act, 2011

(Bill 154) Chapter 14

Bill 154 consequentially amends The Small Claims Act, 1997 to allow justices of the peace to hear small claims matters.

This Act came into force on July 1, 2011.

The Public Interest Disclosure Act

(Bill 147) Chapter P-38.1

This Act provides a process for public servants to disclose wrongdoings occurring within their own government institutions. The Act also protects public servants from reprisals if they make a disclosure in accordance with the Act.

It requires permanent heads of ministries and chief executive officers of Crown corporations to establish internal procedures for managing disclosures of wrongdoing. Disclosure may be made either to designated officers within the ministry or Crown corporation, or to the Public Interest Disclosure Commissioner. As well, any employee who believes that he or she has been a subject of reprisal can make a complaint of reprisal to the designated officer or the Commissioner.

The legislation establishes a Public Interest Disclosure Commissioner as an independent officer of the Legislature. The Commissioner has the authority to undertake investigations and make recommendations. The Commissioner's duties when receiving and conducting investigations are set out in the Act.

The Act applies to all employees of executive government and to all government organizations that are subject to The Freedom of Information and Protection of Privacy Act. The regulations contain a list of the Crown corporations, boards and commissions to which the Act applies.

This Act came into force on September 1, 2011.

The Renewable Diesel Act

(Bill 166) Chapter R-19.001

This Act establishes a renewable diesel program and requires diesel fuel sold in Saskatchewan to contain a 2% blend of renewable diesel starting on a date to be prescribed in the regulations. The Act requires that distributors comply with the requirements respecting blending, handling and storage of blended diesel fuel, and that distributors maintain records and submit reports to the minister.

This Act will come into force on proclamation.

The Saskatchewan Financial Services Commission Amendment Act, 2011

(Bill 169) Chapter 15

This Act transfers the functions, programming and staff of the consumer protection branch to the Saskatchewan Financial Services Commission. The revenues and expenses of the consumer protection branch will be handled through the Saskatchewan Financial Services Commission Fund. The legislation has a new

Part I.1, setting out the powers and responsibilities of the Commission respecting consumer protection. If new consumer protection legislation is created in the future, the function can be assigned to the Commission by regulation.

This Act came into force on October 1, 2011.

The Saskatchewan Grain Car Corporation Amendment Act, 2011

(Bill 167) Chapter 16

This Act broadens the powers of the Saskatchewan Grain Car Corporation to include transportation of commodities as well as grain, acquisition of assets, provision of consulting, management and administrative services to persons in the railway industry, and provision of financial assistance for the purchase of assets that will benefit the railway industry.

This Act came into force on May 18, 2011.

***The Saskatchewan Human Rights Code Amendment Act, 2011**

(Bill 160) Chapter 17

This Act amends The Saskatchewan Human Rights Code to repeal provisions that established the Human Rights Tribunal Panel and establish new provisions for hearings to proceed before the Court of Queen's Bench. The Act also includes amendments that:

- repeal and replace section 48, the exemption provision, with a new provision that will allow any person to adopt or implement reasonable and justifiable measures designed to prevent, reduce or eliminate disadvantages, without the prior approval of the Chief Commissioner;
- establish an objective threshold for filing a complaint;

- allow the Chief Commissioner to require that the parties attend mediation before a complaint is set for a hearing, and to dismiss a complaint if the respondent makes a reasonable settlement offer that the complainant does not accept;
- add to the Chief Commissioner's powers of dismissal that a complaint may be dismissed if the Chief Commissioner is of the opinion that there is no reasonable likelihood that a further investigation will reveal evidence of a contravention of the Code or that a hearing into the complaint is not warranted given all of the circumstances;
- give the Chief Commissioner the ability to delegate his or her powers;
- reduce the limitation period for making a complaint from two years to one year and give the Chief Commissioner the authority to extend the limitation period in a particular case if appropriate given all of the circumstances;
- add to the Commission's duties the ability to promote and pursue measures to prevent and address systemic patterns of discrimination, and to promote alternative dispute resolution in resolving complaints;
- add new provisions with respect to the Commission's administrative powers;
- consequentially amend The Labour Standards Act to allow the minister to appoint an adjudicator for inquiries into equal pay complaints; and
- provide transitional provisions for complaints being dealt with by a Human Rights Tribunal at the time the Act came into force.

This Act came into force on July 1, 2011.

***The Superannuation (Supplementary Provisions) Amendment Act, 2011**

(Bill 150) Chapter 18

This Act:

- provides for a more accurate calculation of a surviving spouse's pension benefit;
- makes housekeeping amendments that will make the Act more fully comply with the Income Tax Act (Canada); and
- eliminates the need to include personal information in the pension plan annual reports.

This Act came into force on May 18, 2011.

The Teachers Superannuation and Disability Benefits Amendment Act, 2011

(Bill 168) Chapter 19

This Bill amends The Teachers Superannuation and Disability Benefits Act to increase government contributions to the teachers' pension plan.

This Act came into force on assent, but is retroactive in effect to July 1, 2009.

***The University of Regina Amendment Act, 2011**

(Bill 159) Chapter 20

This legislation:

- repeals the section establishing a "visitor" for the university;
- increases the number of members required to call an extraordinary meeting of convocation from 25 to 50;
- establishes that the chancellor is to be elected by the senate rather than convocation and enables the senate to appoint an interim chancellor in the case of a vacancy;
- provides that senate district representatives are to be elected only by members of convocation living in that district, rather than by all members of convocation;
- requires the board of governors to report to the senate when requested; and
- enables the senate to make bylaws governing administrative functions for its elections and the election of the chancellor, and removes provisions respecting these matters from the Act.

The Act came into force on May 18, 2011.

The Victims of Crime Amendment Act, 2011 / Loi de 2011 modifiant la Loi de 1995 sur les victimes d'actes criminels

(Bill 172) Chapter 21

This amending Act establishes a requirement that members of the RCMP acting under a provincial policing contract as well as municipal police officers provide certain victims' information to a designated person to facilitate the delivery of services to victims of crime. The Act also:

- authorizes the minister to name persons engaged in the delivery of victims services as designated persons;

- provides that the information to be disclosed will be prescribed in the regulations;
- requires the destruction of a victim's information by the designated person where victims services are refused; and
- restricts the use of a victim's information to the provision of victims services.

This Act will come into force on proclamation.

The Workers' Compensation Amendment Act, 2011

(Bill 174) Chapter 22

This Act amends The Workers' Compensation Act, 1979 to expand the list of occupational diseases that are presumed to be caused by the occupation of firefighting, to include primary site esophageal cancer.

The Act came into force on May 18, 2011.

*** These Bills were introduced in 2010 but not passed until 2011. The short titles of these Bills were corrected by the Office of the Law Clerk and Parliamentary Counsel, to indicate the year in which the Act was passed and received Royal Assent.**